

Regular Meeting
Monday, December 07, 2015
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- 1 **CALL TO ORDER- 7 PM** Mayor Winstead called the meeting to order at 7:00 p.m.
- Present: Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson,
D. Lowman and J. Oleson
- 2 **INTRODUCTORY**
- 2.1 **FLAG PRESENTATION** The Bloomington Honor Guard presented the colors and led the audience in the pledge of allegiance to the flag.
- 2.2 **Swearing In of New Officers** Police Chief Jeff Potts introduced Bloomington's newest officers who began on November 2. He said these hirings bring the number of allocated officers up to 116 out of 118. He'll be back in a few months to introduce a couple more new hires. He described the hiring/training process for new officers.
- City Clerk Janet Lewis performed the oath of office. The officers introduced themselves.
- 2.3 **Boy Scout Troop 439 Day - Proclamation** Requested Action: Read and present the Boy Scouts of Troop 439 who have been meeting at Christ the King Lutheran Church in Bloomington for over 50 years, with the Boy Scout Troop 439 Day proclamation.
- Mayor Winstead read and presented a proclamation declaring December 13, 2015, as Boy Scout Troop 439 Day to Senior Troop Leader Phillip Royer.
- 2.4 **2015 Human Rights Day Proclamation** Requested Action: Read and present the 2015 Human Rights Day Proclamation.
- Mayor Winstead read and presented a proclamation declaring December 10, 2015, as Human Rights Day to Human Rights Commission (HRC) Chair Dennis Kane.
- 2.5 **2015 Omar Bonderud Human Rights Award Presentation** Requested Action: Present the 2015 Omar Bonderud Human Rights Award to The Honorable Judge Michael J. Davis and The Honorable Judge Donovan W. Frank.
- Mayor Winstead along with HRC Chair Kane presented the 2015 Omar Bonderud Awards to Honorable Judges Michael J. Davis and Donovan W. Frank. He provided information and background on the efforts made by these two judges in "educating and winning equality and justice for groups of people whose circumstances make them vulnerable to prejudice, discrimination or injustice."

2.6 2016 Property Tax Levy and General Fund Budget Public Hearing

Requested Action: Conduct the public hearing on the 2016 Tax Levy and General Fund Budget.

Chief Financial Officer Lori Economy-Scholler and City Assessor Matt Gersemehl made the presentation. Gersemehl began by discussing the property tax and assessments. He presented factors that impact property taxes and provided a historical view of the City's total market value and tax capacity by year stating Bloomington is almost back to the peak years of 2008/2009. Bloomington's tax capacity grew 11.8% in 2015 for pay 2016. He compared the total gross City tax capacity by property types stating Bloomington has a near 50/50 percent breakdown between its residential and commercial/industrial tax base. In discussing the changes in market value for the different property segments, Gersemehl said the market has rebounded approximately 15% since the downturn in early 2010-2014. Bloomington's market value for all property types increased a total of almost 10% from 2015 to 2016. He explained why Bloomington uses the median valued home as an example when discussing market value and property tax amounts. He said the median value home in Bloomington is \$219,700. He presented maps of where homes are located in Bloomington within 5% and 10% of that median value and at 90% below and 110% above the median value. Using the dollar bill graphic, he showed Bloomington gets \$.31 of every residential dollar and \$.16 of every commercial dollar. In closing, he explained the Minnesota Homestead and Credit Refund and the Renter's Property Tax Refund that are available to tax payers. Taxpayers have until August 2016 to file for them. He said the City will be putting out an awareness campaign on these refunds and offered the assistance of his staff to anyone with questions.

Economy-Scholler continued by presenting the 2016 Budget discussion items. She reviewed some of the feedback from the National Citizen Survey that was conducted in the spring of 2015 and how it relates to the 2016 General Fund Budget. She described the City services that have been categorized into Tier I, Tier II and Tier III priorities. For all of the services provided in those three tiers combined, it will cost the median valued home owner \$74.73/month in 2016 based on the 5.75% levy model. She presented the Fire Pension obligation and the Strategic Priorities Model of which \$1.4 million is expected in 2016. She described the Neighborhood Program that will be offered by the City out of Strategic Priorities totaling \$1,080,000. She presented the Proposed 2016 General Fund Revenues and Expenditures in the amount of \$68,155,122 resulting in Bloomington's balanced budget. She restated the 2016 Proposed Levy is at a 5.75% increase over 2015, which includes a 2.5% wage increase. A 5.75% increase is still below what the projected CPI increase would be for 2016. She compared Bloomington to other cities regarding the amount of monthly city taxes projected to be paid on the median value single-family home. Bloomington was second to the lowest at \$74.73 per month.

Winstead explained the City uses the median value home for comparison purposes because property value has very little to do with what needs to be levied. When comparing total monthly cost of city property taxes plus water, sewer and water softening, and franchise fees, Bloomington's total monthly expense of \$116.44 was the lowest of all the cities listed.

Economy-Scholler said the Council will adopt the final tax levy and approve the final General Fund Budget at the December 21, 2015, Regular Council meeting. She reported Finance received three calls and one comment regarding the levy and budget. Assessing received 35 calls.

Council had no questions for staff.

Speaker #1: John Laux, 10778 Lyndale Bluffs Trail
He's lived in Bloomington for over 52 years and moved to Lyndale Bluffs Trail a year ago because he and his wife wanted to stay in Bloomington. He's been a loyal resident of the city and said his issue regarding the tax levy is one of fairness. They live in a private community on Lyndale Bluffs Trail and they don't receive that many City services. They receive water but if the system were to fail for any reason, their homeowners' association would have to make the repairs; not the City. Regarding sanitary sewer, Laux said the City back flushes its lines every three years on the public streets but the townhome owners on Lyndale Trail must do it at their own expense, as it's a private street. Same with plowing and street sweeping – they must pay to have that done on their street. They must pay to have someone flush their fire hydrants; the City doesn't provide those services in a private community. He said everyone pays taxes with the assumption their home is supported by all City services. He said that's just not the case in his area off of Lyndale Avenue. He said they end up paying double for some services. He requested the City Manager direct the appropriate staff to look at this issue of fairness and respond back to him.

Winstead said in these types of townhome communities, it's the developer's choice, at the time of development, to put in private streets and pay to have them put in as opposed to having public streets put in and being assessed for them. He said the ongoing maintenance is determined at that time. If the streets are put in as private, they are paid for by the homeowner's association. He asked Laux for the street maintenance bill on his homeowners' association. Laux didn't have that information with him. Winstead said the City's cost for street maintenance is \$8.86/month on a median value home. He said those maintenance costs are capitalized and paid for by the homeowners' association vs. the City but then they're not charged for it either.

Public Works Director Karl Keel said at the time a property is developed, the type of infrastructure needed to support it is discussed. Often times with townhome developments, there is a desire to build at a density that doesn't allow the City standard streets and utility to be constructed. He said in the case of the Sans Pierre development, he believes it was the configuration of the subdivision. He said at the time of development, the developer made the decision to request the infrastructure be done privately. The City allowed that to occur as part of the development agreement with the understanding that the development would then pay the cost to maintain that infrastructure.

Winstead said the City can look into it and asked Laux to share his costs for snowplowing, street sweeping, etc. He said that formula or method is set in motion at the time of development. The alternative to that would be to have the City put in the streets, fire hydrants, etc. The City would then assess that group of properties the dollar amount to do it. He said the City will look to see if there is a tax inequity with this private community.

Laux said residents are taxed at full value based on what they paid for their homes. While he's not talking about a huge amount of money, he'd still like the issue of fairness considered. He'll provide the City Manager with a copy of their homeowner association's 2016 budget.

Gersemehl said those townhome association payments are well published but not when they're built. He said the association dues are generally factored into the mortgage decisions by the buyers at the time of sale.

Busse said Minnesota is way behind other states in its tax system and asked if there was any precedent for parsing out a property tax bill to give a break to people who live on a private road in a private community. Verbrugge said there is no provision in State statute that allows cities to rebate property taxes in this circumstance but he'll have staff look to see if there are other policies to be considered.

The public hearing on the 2016 Tax Levy and General Fund Budget was closed. Council was reminded the final tax levy and budget will be approved at the December 21, 2015, Regular Council meeting.

3 CONSENT BUSINESS

3.1 Account Receivable Write-Offs

Requested Action: Approve the Accounts Receivable Write-Offs as presented in the agenda item.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve the Accounts Receivable Write-Offs for the years 2009 through 2013 in the amount of \$9,498.55.

3.2 Preliminary and Final Plat of ABBIES ADDITION 9044 W. Bush Lake Road

Requested Action: Approve the Preliminary Plat and adopt a resolution granting Final Plat approval of ABBIES ADDITION located at 9044 West Bush Lake Road.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve the Preliminary Plat and adopt a resolution granting Final Plat approval of ABBIES ADDITION located at 9044 West Bush Lake Road, subject to completion of the conditions listed in the staff report, receipt of the title, necessary documents and deposits, and a review of all documents by the City Attorney. (R-2015-142)

3.3 Approve Settlements of Easement Acquisition (2016-702 PMP ROW)

Requested Action: Approve the easement settlements for Parcels 1 and 2 of the 2016-702 Pavement Management Program (PMP) Overlay Project which included Lyndale Avenue South from 86th Street to 94th Street.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve the easement settlements for Parcels 1 and 2 for Project 2016-702 PMP Right-of-Way as presented in the agenda item.

3.4 Amend Met Council Livable Communities Transit Oriented Development Grant Agreement - BCS Adopt Resolution

Requested Action: Adopt a resolution approving an extension and amendment of Met Council Livable Communities Transit Oriented Development grant agreement for the Bloomington Central Station hotel project.

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt a resolution approving an extension and amendment of Met Council Livable Communities Transit Oriented Development grant agreement for the Bloomington Central Station hotel project. (R-2015-143)

3.5 2016 HRA Levy

Requested Action: Adopt a resolution consenting to the 2016 Housing and Redevelopment Authority (HRA) levy.

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt a resolution consenting to the Bloomington Housing and Redevelopment Authority's levy by way of special tax during the Year 2016 upon all property, both real and personal, in the city of Bloomington to defray the cost of operation of said Housing and Redevelopment Authority during the Year 2016. (R-2015-144)

3.6 HRA Staff Services Agreement Approve

Requested Action: Approve and authorize execution of the 2016 Contract for staff services between the City of Bloomington and the HRA.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve and authorize execution of the 2016 Contract for staff services between the City of Bloomington and the HRA as presented in the item.

3.7 Change Storm Water Charges Adopt Resolution

Requested Action: Adopt a resolution implementing the proposed new Storm Water rate.

Motion was made by Busse, seconded by Baloga, and all voting aye, to adopt a resolution establishing a Basic System Rate for the purpose of calculating storm water drainage charges pursuant to Section 11.45 of the City Code as presented in the item. (R-2015-145)

3.8 Alpha Business Center 2016 Operations Budget

Requested Action: Approve the 2016 operations budget for the Alpha Business Center property.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve the 2016 operations budget for the Alpha Business Center property as presented in the item.

3.9 2016 CDBG Loan Program & Mutual Agreement

Requested Action: Approve and authorize execution of the 2016 CDBG Rehabilitation Loan Program and Mutual Agreement between the City of Bloomington and the HRA.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve and authorize execution of the 2016 Community Development Block Grant (CDBG) Rehabilitation Loan Program and Mutual Agreement between the City of Bloomington and the HRA.

3.10 Approve Acceptance of the 2015 Bloomington Crime Prevention Association Grants

Requested Action: Accept the Bloomington Crime Prevention Association Grants and approve the budget adjustments.

Motion was made by Busse, seconded by Baloga, and all voting aye, to accept the Bloomington Crime Prevention Association grants totaling \$39,000, which have been awarded to Police and Human Services and approve the associated budget adjustments as listed in the agenda item.

3.11 Meeting Minutes City Council-Approve

Requested Action: Approve the November 30, 2015, City Council Regular Meeting minutes.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve the November 30, 2015, City Council Regular Meeting minutes as presented.

3.12 Agreement to Obtain Use of Pictometry System through Hennepin County

Requested Action: Approve the Hennepin County User Agreement which gives Hennepin County the right to allow authorized political units or subdivisions including cities or townships located in the boundaries of the County access to the Pictometry system and any delivered content associated with it at no cost to the City. The Agreement will terminate on October 1, 2018.

3.13 2016 Compensation Plan

Requested Action: Approve the 2016 Compensation Plan.

Motion was made by Busse, seconded by Baloga, and all voting aye, to approve the 2016 Compensation Plan as presented in the agenda item.

4 PUBLIC COMMENT PERIOD**4.1 Response to Prior Meeting's Public Comments**

City Manager Jamie Verbrugge said at the last meeting, Sally Ness expressed concerns relating to Type III vehicles parking on the street at the Dar Al Farooq (DAF) Youth & Family Center at 8201 Park Avenue and she commented the City shouldn't have allowed DAF to expand the parking in front of their building in 2011. He said he followed up with her via e-mail and read the response he sent her. He said the standards in the Code provision apply only to freestanding places of assembly. The City says the Code doesn't apply to places of assembly within strip centers or co-located within schools, which is the situation at 8201 Park. Because DAF is not a free-standing place of assembly, the parking placement requirement of the Code provision he cited does not apply. He said Type III vehicles can legally park on a residentially zoned lot where a non-residential use has been approved; in this case a place of assembly. He said a Code exception is that trucks may also park on streets in certain areas north of Smith Park that are not residentially zoned. Regarding a specific truck discussed by Ness, he said it was hard for City staff to determine if it was in transit or if it was actually parked at the time based on the photo she presented so staff made no determination.

Community Development Director Larry Lee said buses are often used to transport seniors and youth and are parked at the place of assembly. That's an example of why that exception is provided in the standards. He said the non-residential uses permitted in residential areas often have Type III vehicles associated with them and need to store them.

Winstead said the example shown by Ness was a semi-truck and trailer that was parked at AFYFC by someone attending a service. Lee said that is allowed by current Code if it's parked legally on the street or in a parking lot.

4.2 Public Comment

Speaker #1: Sally Ness, 8127 Oakland Avenue South
She said Vi Rozek had planned to address the Council last week but changed her mind after hearing the Mayor tell Ness she couldn't comment on items brought up at previous meetings. She summarized what Rozek was going to say about traffic that occurs in their neighborhood all day long. Ness doesn't think using Type III vehicles as personal vehicles to attend the building is permitted under the City's Code and asked staff to look into it. She asked the City to look further into the Type III vehicles parked on the street and showed some photos of a Fed Ex truck, Parents in Community Action van, and a Head Start van parked in the street at the Al Farooq Youth & Family Center (AFYFC) at 8201 Park Avenue. She said according to Headstart, their drivers are not allowed to use a Type III vehicle for personal use. She said Type III vehicles don't belong in residential neighborhoods.

Winstead said issues brought up time and time again that the City has addressed will not be commented upon again. He told Ness whenever she doesn't agree with the City's response, she brings the issues up again. He said he doesn't want to allow issues that have been addressed by staff to be commented on again in the future.

Oleson said Rozek and Ness have commented there is "traffic all day long" at AFYFC, which implies it's constant and on a regular basis. He said that's not what he's observed after driving by that area at least 50 times since he took office. He said there are issues that need to be addressed so he's tried to whittle them down to the ones the City can address such as potential changes in policy or ordinance changes. He requested an agenda item be put on a study or regular Council meeting agenda to try and bring resolution to this issue.

CLOSED PUBLIC COMMENT PERIOD

Mayor Winstead asked if anyone else wished to address the Council or the Public Comment Period would be closed. No one came forward to speak so it was closed.

5 LICENSING DIVISION: PUBLIC HEARINGS

None.

6 DEVELOPMENT BUSINESS: PUBLIC HEARINGS

6.1 MOAC Mall Holdings, LLC Change of Condition Park Dedication Fee

Requested Action: Approve a modification to Condition #4 in Case 8235C-13 to change the Park Dedication fee from \$225,387 to \$214,344 for MOAC Mall Holdings.

Planning Manager Glen Markegard explained the Mall of America (MOA) requested a change to Condition #4 in Case 8235C-13 reducing the Park Dedication fee for MOA Phase IC from \$225,387 to \$214,344. A refund of approximately \$11,000 will be issued to the Mall of America Companies.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve a modification to Condition #4 in Case 8235C-13 changing the Park Dedication fee from \$225,387 to \$214,344 due to changes in the plans for the Mall of America Phase IC expansion. All other Conditions of Approval in Case 8235C-13 remain the same.

No public testimony was received.

6.2 Jesus Celebration Center 8401 Palmer Ave CUP

Requested Action: Adopt a resolution approving of a Conditional Use Permit to allow a place of assembly at Poplar Bridge Elementary School at 8401 Palmer Avenue South, Case 10524A-15, for Jesus Celebration Center, subject to the conditions listed in the staff report.

Markegard presented this staff report. He explained the Jesus Celebration Center is requesting a Conditional Use Permit (CUP) for a place of assembly at Poplar Bridge Elementary to utilize the cafeteria and two other rooms for Sunday worship services. They anticipate 50-75 attendees. He said there was discussion about using the gym in the future. The only impediment to doing so is the on-site parking situation. He said if the parking was brought up to Code, the gymnasium could be used but it would require a change in conditions of approval. Staff and the Planning Commission recommend approval.

Winstead said the CUP for a place of assembly is for the days and times stated in the staff report and anything outside of that would not be permitted. Markegard said there is a condition of approval that limits a use that would create a parking Code conflict such as an assembly on another day during the week when school is in session.

Winstead asked if Wednesday night events would be permitted. Markegard replied yes and said any other evening would be allowed as long as there isn't simultaneous use of the school in a manner that would create a Code parking violation. He said that would be a scheduling issue between the School District and the applicant.

Abrams asked about the difference between members and attendees, as the letter from the Jesus Center mentioned having 40-50 members. Markegard said the parking isn't estimated on the attendance but rather on the square footage of the area to be used. Staff is assuming one attendee per 15 SF within the gymnasium or cafeteria. In the classrooms, it's one space per 200 SF for the parking requirement. It's the number of occupants within the cafeteria divided by three occupants determines the parking.

Baloga questioned the square footage of the cafeteria and the Fire Marshal's occupancy number, which is higher than what staff used to calculate the parking. He asked about the 53 required parking spaces. Markegard said the Code assumes three people per every vehicle or one person for 45 SF.

Oleson commented those required numbers come from national standards and the City's Code based on experience. Markegard said the Fire Codes are based on National and International Codes and the City bases the required parking on its knowledge of the typical parking demand for place of assembly.

Lowman asked if any thought was given to a possible shared parking arrangement with the park located to the south. Markegard replied the School District does use the playground area for extreme overflow parking at the school. He said anyone can park in a City-owned parking lot.

Baloga asked what happens if this becomes a very successful church.

Speaker #1: Doug Langfels, Bloomington School District
He replied the church would have to relocate.

Speaker #2: Senior Pastor at Jesus Celebration Center
He confirmed their understanding of the limitations of the CUP and said they will adhere to the rules.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to adopt a resolution approving a Conditional Use Permit for a place of assembly in the R-1, Single-Family Residential Zoning District at 8401 Palmer Avenue South, for Jesus Celebration Center (user) and Bloomington Public Schools (owner), subject to the conditions as listed in the staff report. (R-2015-146)

**7 TRANSPORTATION &
UTILITY
IMPROVEMENTS:
PUBLIC HEARINGS**

None.

8 ORDINANCES: PUBLIC HEARINGS

8.1 City Initiated (South Loop) Rezone Multiple Parcels

Requested Action: Per the recommendation of the Planning Commission and staff, adopt an ordinance amending the Zoning Map by rezoning (84) parcels as recommended below in the adopted South Loop District Plan:

- A) In Case 10969A-15, rezone the primary district from CS-1 (Commercial Services) to C-4 (Freeway Office) for 2850 and 2870 Metro Drive, 1901, 2001, 2051, 2101, 2201, 2221, 2231, 2241, 2251, and 2261 Killebrew Drive, 1918, 2008, 2020, and 2600 American Blvd E, 2115, 2201, 2351, 2615, and 2731 E 78th Street, 7851 26th Avenue S, 7800 and 7901 24th Avenue S, 7800 and 7900 International Drive, 2943, 3035, 3049 and 3053 E Old Shakopee Road and 3001, 3003, 3005, 3007, 3009, 3011, 3013, 3015, 3017, 3019, 3021, 3023, 3025, 3027, 3029, 3031, 3033, 3035, and 3037 Long Meadow Circle;
- B) In Case 10969B-15, rezone the primary district from CO-1 (Commercial Office) to C-4 (Freeway Office) for 2901, 2950, 3001, and 3050 Metro Drive, 7800, 7801, 7850, and 7851 Metro Parkway, 2901 E 78th Street, and 3311 E Old Shakopee Road;
- C) In Case 10969C-15, rezone the primary district from CO-1 (Commercial Office) to HX-R (High Intensity Mixed Use with Residential) for 8009, 8011, 8101, 8121, and 8131 34th Avenue S, 8101 36th Ave S, 3601 and 3701 American Blvd E, and 6 Appletree Square;
- D) In Case 10969D-15, rezone the primary district from CS-1 (Commercial Services) to HX-R (High Intensity Mixed Use with Residential) for 3 and 4 Appletree Square;
- E) In Case 10969E-15, rezone the primary district from CO-1 (Commercial Office) to LX (Lindau Mixed Use) for 2600 and 2700 E 82nd Street and 8001 and 8101 28th Avenue S;
- F) In Case 10969F-15, rezone the primary district from I-1 (Industrial Park) to LX (Lindau Mixed Use) for 2401 American Blvd E;
- G) In Case 10969G-15, rezone the primary district from CS-1 (Commercial Services) to SC (Conservation) for 2375 and 2401 E Old Shakopee Road and 2400 E 86th Street;
- H) In Case 10969H-15, rezone the primary district from CO-1 (Commercial Office) to SC (Conservation) for 4301 American Blvd E;
- I) In Case 10969I-15, rezone from Commercial Services Planned Development Airport Runway, CS-1(PD)(AR-17) to Freeway Office Airport Runway, C-4(AR-17) for 7900 28th Avenue S, 2400 and 2500 E 79th Street, and 2700 American Blvd E; and
- J) In Case 10969J-15, rezone from Commercial Office Planned Development Airport Runway, CO-1(PD)(AR-17) to Freeway Office Airport Runway, C-4(AR-17) for 2800 American Blvd E.

Planner Jason Schmidt provided the staff report. He showed an aerial photo of the South Loop District and said tonight's action involves Phase 1 of the rezoning of 84 parcels in the district. The zoning changes are being made to align land use guide designation and zoning, apply new zoning districts, and align zoning with existing use. He overlaid a colored map onto the aerial map to show the rezoning timeline; what's been completed and when the rezoning of Phase I and Phase II is to occur.

Baloga asked if retail is allowed in the proposed Industrial/Technology Rezoning District. Schmidt replied since the District Plan was adopted, the Mall of America Landholdings purchased the Adjoining Lands. Staff plans to discuss a potential rezoning of that site to CX-2 next year.

Lowman asked about residential in the HX-R District. Schmidt said residential is an optional use but is precluded within the Airport Safety Zone.

Schmidt said a concern expressed at the Planning Commission meeting that the parcels on Long Meadow Circle were previously zoned residential but they fall within the Airport Safety Zone. In 2004, the Metropolitan Airports Commission purchased those lots and tore down the homes. That's why staff is proposing the C-4 Freeway Office. Another item discussed was the former Thunderbird site (Ramada Inn). The site owners expressed an interest to rezone to the CX-2 District to allow for additional retail. It is proposed to be rezoned to C-4, which takes an incremental step in increasing the minimum floor area within the district and follows the South Loop District Plan. Tonight's proposed rezoning does not preclude it from being rezoned to CX-2 in the future mixed-use plans be submitted.

He went on to explain the impacts of the rezoning. No use will become nonconforming with today's proposed rezoning. All setbacks have been reduced. These rezonings have higher design standards. He further reviewed the impacts of the rezoning with regard to structures, lots and site characteristics. He said the rezoning does not impact height limits within the South Loop District. He described the public outreach process used by staff to inform the public of these rezonings. He said staff and the Planning Commission recommend the rezoning of the 84 parcels and adoption of a resolution directing summary publication of such.

No public testimony was received.

Motion was made by Baloga, seconded by Oleson, and all voting aye, to adopt an ordinance amending the Zoning Map by rezoning (84) parcels as recommended below in the adopted South Loop District Plan:

- A) In Case 10969A-15, rezone the primary district from CS-1 (Commercial Services) to C-4 (Freeway Office) for 2850 and 2870 Metro Drive, 1901, 2001, 2051, 2101, 2201, 2221, 2231, 2241, 2251, and 2261 Killebrew Drive, 1918, 2008, 2020, and 2600 American Boulevard E, 2115, 2201, 2351, 2615, and 2731 East 78th Street, 7851 26th Avenue South, 7800 and 7901 24th Avenue South, 7800 and 7900 International Drive, 2943, 3035, 3049 and 3053 East Old Shakopee Road and 3001, 3003, 3005, 3007, 3009, 3011, 3013, 3015, 3017, 3019, 3021, 3023, 3025, 3027, 3029, 3031, 3033, 3035, and 3037 Long Meadow Circle;
- B) In Case 10969B-15, rezone the primary district from CO-1 (Commercial Office) to C-4 (Freeway Office) for 2901, 2950, 3001, and 3050 Metro Drive, 7800, 7801, 7850, and 7851 Metro Parkway, 2901 East 78th Street, and 3311 East Old Shakopee Road;
- C) In Case 10969C-15, rezone the primary district from CO-1 (Commercial Office) to HX-R (High Intensity Mixed Use with Residential) for 8009, 8011, 8101, 8121, and 8131 34th Avenue South, 8101 36th Avenue South, 3601 and 3701 American Boulevard E, and 6 Appletree Square;
- D) In Case 10969D-15, rezone the primary district from CS-1 (Commercial Services) to HX-R (High Intensity Mixed Use with Residential) for 3 and 4 Appletree Square;
- E) In Case 10969E-15, rezone the primary district from CO-1 (Commercial Office) to LX (Lindau Mixed Use) for 2600 and 2700 East 82nd Street and 8001 and 8101 28th Avenue South;
- F) In Case 10969F-15, rezone the primary district from I-1 (Industrial Park) to LX (Lindau Mixed Use) for 2401 American Boulevard E;
- G) In Case 10969G-15, rezone the primary district from CS-1 (Commercial Services) to SC (Conservation) for 2375 and 2401 East Old Shakopee Road and 2400 East 86th Street;

- H) In Case 10969H-15, rezone the primary district from CO-1 (Commercial Office) to SC (Conservation) for 4301 American Boulevard E;
- I) In Case 10969I-15, rezone from Commercial Services Planned Development Airport Runway, CS-1(PD)(AR-17) to Freeway Office Airport Runway, C-4(AR-17) for 7900 28th Avenue S, 2400 and 2500 E 79th Street, and 2700 American Blvd E; and
- J) In Case 10969J-15, rezone from Commercial Office Planned Development Airport Runway, CO-1(PD)(AR-17) to Freeway Office Airport Runway, C-4(AR-17) for 2800 American Blvd E.

(O-2015-39)

8.1.1 Resolution Directing Summary Publication to Rezone Multiple parcels in the South Loop District as recommended by the South Loop District Plan

Requested Action: Adopt a resolution directing summary publication of Ordinance No. O-2015-39.

Motion was made by Baloga, seconded by Busse, and all voting aye, to adopt a resolution directing summary publication of an ordinance O-2015-39 amending the Zoning Map by rezoning eighty-four parcels as recommended in the adopted South Loop District Plan. (R-2015-147)

Short Recess

The City Council took a short recess to sign students' agendas.

8.2 Amend Building and Inspection Plumbing Registration and Fees

Requested Action: Adopt a resolution removing the requirement for a plumbing registration and increase the threshold amount for collecting a pre-paid plan review fee.

Larry Lee explained this change allows applicants the ability to pay the Plan Review fee and the Building Permit fee at the same time. He said it usually takes two weeks for staff to review plans and issue a permit.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt an ordinance modifying plumbing registration requirements and the up-front Plan Review fee amount thereby amending Chapter 15, Articles VIII and IX of the City Code. (O-2015-40)

No public testimony was received.

8.3 Organized Collection Code Amendment (Being Continued)

Requested Action: Continue the public hearing on the proposed ordinance to amend the City Code regarding organized collection until after the contract has been executed.

Mayor Winstead invited the public to speak on this item even though it was recommended for continuance to December 21, 2015.

No public testimony was received.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to continue the public hearing to the December 21, 2015, Regular City Council meeting, on a proposed ordinance relating to Organized Collection.

8.4 Approve Xcel Energy Franchise Fee (Being Continued)

Requested Action: Continue the public hearing on the Xcel Energy Franchise Fee ordinances to Monday, December 21, 2015.

No public testimony was received.

Motion was made by Baloga, seconded by Oleson, and all voting aye, to continue to the December 21, 2015, Regular City Council meeting, ordinances on the Xcel Energy Franchise Fee.

9 OTHER: PUBLIC HEARINGS

9.1 Changes to the Fees and Charges Schedule Adopt Resolution

Requested Action: Adopt a resolution approving the 2016 Schedule of Fees and Charges.

There was no formal presentation. Lori Economy-Scholler explained all departments review their fees and charges to tie them to the budget. In doing so, they look at market competition and the amounts charged by neighboring cities

Abrams commented on the adult softball programs and in particular the charge for a new women's single game and Sunday night softball program and inquired as to how the City is looking to achieve full use and capacity of its fields. Community Services Director Diann Kirby said she would provide Council with that information.

Baloga commented on the fees for golf at Hyland Greens and Dwan Golf Course and said no changes are recommended at this time pending receipt of the task force recommendation and a review by all of the parties.

No public testimony was received.

Motion was made by Baloga, seconded by Lowman, and all voting aye, to adopt a resolution approving the 2016 Schedule of Fees and Charges for Services Provided by Departments and Divisions of the City of Bloomington (Other Than Those Otherwise Established by Ordinance). (R-2015-148)

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

City Manager Jamie Verbrugge had no report.

Mayor Winstead commented on the beautiful facility and the nice celebration put on by the Mandewankton Sioux, owners of the new JW Marriott Hotel at the Mall of America. He said Mortenson was the contractor on the project and that three principals from Mortenson, also attending the event, took the Mayor aside and said Bloomington's Building and Inspection Division is far superior to any other they've dealt with on projects throughout the region. The Mayor wanted staff to know how highly regarded the City's Building & Inspection Division is within the industry.

Oleson added the Mortenson construction lead also in attendance at that event complimented City staff. He commented there are many talented performers in the Bloomington Schools. Recognizing it was Pearl Harbor Day, he paid tribute to those who served in World War II.

11 ADJOURN

Mayor Winstead adjourned the meeting at 9:27 p.m.

Barbara Clawson
Council Secretary